

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

MARY HEATHER MCAFEE, ZAHER MURRAY AND GEORGE WRIGHT, on behalf of themselves and all similarly situated individuals,

*Plaintiffs,*

v.

MERIDIANLINK, INC.,

*Defendant.*

Civil Action No. 3:23-cv-439

**DECLARATION OF FRANK BARKAN ON IMPLEMENTATION OF CAFA NOTICE**

I, Frank Barkan, hereby declare as follows:

1. My name is Frank Barkan and I make this declaration in Montgomery County, Pennsylvania. The statements that follow are all made of my personal knowledge.
2. I am a partner of Continental DataLogix LLC (“Continental”), a provider of class action settlement administration services with an office in Lansdale, Pennsylvania. Prior to my current position, I was a partner and senior director for 20 years with RSM US LLP, a nationwide provider of audit, tax, and consulting services. Before that, I was a partner with Rudolph, Palitz, a former accounting and professional services firm located in the Philadelphia, Pennsylvania area. Since 1980, I have been associated with the administration of a variety of class action settlements ranging from 50 class members to over 20 million class members.
3. My experience includes administering various types of class action settlements including consumer products, fraud, employment law, product liability, antitrust, credit reporting, and financial and securities cases. A list of settlements that I have been involved with can

be made available upon request.

4. Continental's class action administration services include coordination of notice requirements, document design, notice fulfillment services, coordination with the United States Postal Service, settlement website development and maintenance, dedicated phone lines with recorded information for Class Members and live operator availability, receipt and processing of opt-outs, management of claims databases, claims adjudication, funds management, and award calculations and distribution services. Continental works with the settling parties, the Court, and the Class Members in a neutral role to implement the administration services based on the terms of the Settlement or following the Court's direction.
5. The facts in this Declaration are based on what I personally know, as well as information provided to me in the ordinary course of my business.

#### **CAFA NOTICE IMPLEMENTATION**

6. At the direction of counsel for Defendant MeridianLink, Inc., 57 federal and state officials were identified to receive CAFA notice. A list of these federal and state officials with contact information is maintained for the purpose of providing CAFA notice.
7. On August 1, 2024, 57 CAFA Notice Packages ("Notice") were sent. The Notice was mailed via USPS Priority Mail to 54 officials, including the Attorneys General of 48 states, the District of Columbia, and the United States Territories. At the direction of the Offices of the Nevada and Connecticut Attorneys General, the Notice was sent via email. The Notice was also sent via United Parcel Service ("UPS") to the Attorney General of the United States. The CAFA Notice Service List (USPS Priority Mail, Email and UPS) is included as Attachment 1.

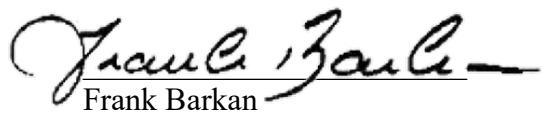
8. The materials sent to the federal and state officials included a cover letter, which provided notice of the proposed settlement of the above-captioned case. The cover letter is included as Attachment 2.
9. The cover letter was accompanied by a CD, which included the following:
  - a. Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:
    - Class Action Complaint (filed July 10, 2023); and
    - Amended Class Action Complaint (filed March 26, 2024)
  - b. Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:
    - Internet Notice (*Exhibit 1 to the Memorandum in Support of Plaintiffs' Unopposed Motion*).
  - c. Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:

The following documents were included:

- Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement;
  - Settlement Agreement and Release (*Exhibit 1 to the Plaintiffs' Unopposed Motion for Preliminary Approval*);
    - Proposed Injunctive Relief Order (*Exhibit A to the Settlement Agreement and Release*);
    - Proposed Order Preliminarily Approving Settlement and Directing Notice to Class (*Exhibit B to the Settlement Agreement and Release*);
    - Proposed Final Approval Order (*Exhibit C to the Settlement Agreement and Release*);

- Memorandum in Support of Plaintiffs' Unopposed Motion for Preliminarily Approval of Class Action Settlement;
  - Declaration of Kristi C. Kelly (*Exhibit 2 to the Memorandum in Support of Plaintiffs' Unopposed Motion*);
  - Declaration of E. Michelle Drake (*Exhibit 3 to the Memorandum in Support of Plaintiffs' Unopposed Motion*);
  - and
  - Declaration of Dale W. Pittman (*Exhibit 4 to the Memorandum in Support of Plaintiffs' Unopposed Motion*).

Pursuant to 28 U.S.C § 1746, I declare under penalty of perjury that the foregoing is true and correct. Executed on this 13<sup>th</sup> day of August 2024.



Frank Barkan

# Attachment 1

## CAFA Notice Service List

## USPS Priority Mail

| Appropriate Official                   | FullName                          | Address1                                  | Address2                        | City           | State | Zip   |
|--|-----------------------------------|---|---------------------------------|----------------|-------|-------|
| Office of the Attorney General         | Treg Taylor                       | 1031 W 4th Ave                            | Suite 200                       | Anchorage      | AK    | 99501 |
| Office of the Attorney General         | Steve Marshall                    | 501 Washington Ave                        |                                 | Montgomery     | AL    | 36104 |
| Office of the Attorney General         | Tim Griffin                       | 323 Center St                             | Suite 200                       | Little Rock    | AR    | 72201 |
| Office of the Attorney General         | Kris Mayes                        | 2005 N Central Ave                        |                                 | Phoenix        | AZ    | 85004 |
| Office of the Attorney General         | CAFA Coordinator                  | Consumer Protection Section               | 455 Golden Gate Ave Suite 11000 | San Francisco  | CA    | 94102 |
| Office of the Attorney General         | Phil Weiser                       | Ralph L Carr Colorado Judicial Center     | 1300 Broadway Fl 10             | Denver         | CO    | 80203 |
| Office of the Attorney General         | Brian Schwalb                     | 400 6th St NW                             |                                 | Washington     | DC    | 20001 |
| Office of the Attorney General         | Kathy Jennings                    | Carvel State Bldg                         | 820 N French St                 | Wilmington     | DE    | 19801 |
| Office of the Attorney General         | Ashley Moody                      | State of Florida                          | The Capitol PL-01               | Tallahassee    | FL    | 32399 |
| Office of the Attorney General         | Chris Carr                        | 40 Capitol Square SW                      |                                 | Atlanta        | GA    | 30334 |
| Department of the Attorney General     | Anne E Lopez                      | 425 Queen St                              |                                 | Honolulu       | HI    | 96813 |
| Iowa Attorney General                  | Brenna Bird                       | Hoover State Office Building              | 1305 E Walnut St                | Des Moines     | IA    | 50319 |
| Office of the Attorney General         | Raul Labrador                     | 700 W Jefferson St Ste 210                | PO Box 83720                    | Boise          | ID    | 83720 |
| Office of the Attorney General         | Kwame Raoul                       | 100 W Randolph St                         |                                 | Chicago        | IL    | 60601 |
| Office of the Indiana Attorney General | Todd Rokita                       | Indiana Government Center South           | 302 W Washington St Rm 5        | Indianapolis   | IN    | 46204 |
| Office of the Attorney General         | Kris Kobach                       | 120 SW 10th Ave 2nd Fl                    |                                 | Topeka         | KS    | 66612 |
| Office of the Attorney General         | Russell Coleman                   | 700 Capitol Ave Suite 118                 |                                 | Frankfort      | KY    | 40601 |
| Office of the Attorney General         | Liz Murrill                       | PO Box 94005                              |                                 | Baton Rouge    | LA    | 70804 |
| Office of the Attorney General         | Andrea Campbell                   | 1 Ashburton Pl 20th Fl                    |                                 | Boston         | MA    | 02108 |
| Office of the Attorney General         | Anthony G Brown                   | 200 St Paul Pl                            |                                 | Baltimore      | MD    | 21202 |
| Office of the Attorney General         | Aaron Frey                        | 6 State House Station                     |                                 | Augusta        | ME    | 04333 |
| Department of Attorney General         | Dana Nessel                       | PO BOX 30212                              |                                 | Lansing        | MI    | 48909 |
| Office of the Attorney General         | Keith Ellison                     | 445 Minnesota St Ste 1400                 |                                 | St Paul        | MN    | 55101 |
| Missouri Attorney General's Office     | Andrew Bailey                     | 207 West High Street                      | PO Box 899                      | Jefferson City | MO    | 65102 |
| Mississippi Attorney General           | Lynn Fitch                        | PO Box 220                                |                                 | Jackson        | MS    | 39205 |
| Office of the Attorney General         | Austin Knudsen                    | 215 N Sanders 3rd Fl                      | PO Box 201401                   | Helena         | MT    | 59620 |
| Attorney General's Office              | Josh Stein                        | 9001 Mail Service Ctr                     |                                 | Raleigh        | NC    | 27699 |
| Office of the Attorney General         | Drew H Wrigley                    | 600 E Boulevard Ave Dept 125              |                                 | Bismarck       | ND    | 58505 |
| Nebraska Attorney General              | Mike Hilgers                      | 2115 State Capitol                        | PO Box 98920                    | Lincoln        | NE    | 68509 |
| Office of the Attorney General         | John Formella                     | NH Department of Justice                  | 33 Capitol St                   | Concord        | NH    | 03301 |
| Office of the Attorney General         | Matthew J Platkin                 | 25 Market Street                          | PO Box 080                      | Trenton        | NJ    | 08625 |
| Office of the Attorney General         | Raul Torrez                       | 408 Galisteo St                           | Villagra Bldg                   | Santa Fe       | NM    | 87501 |
| Office of the Attorney General         | CAFA Coordinator                  | 28 Liberty Street 15th Floor              |                                 | New York       | NY    | 10005 |
| Office of the Attorney General         | Dave Yost                         | 30 E Broad St Fl 14                       |                                 | Columbus       | OH    | 43215 |
| Office of the Attorney General         | Gentner Drummond                  | 313 NE 21st St                            |                                 | Oklahoma City  | OK    | 73105 |
| Office of the Attorney General         | Ellen F Rosenblum                 | Oregon Department of Justice              | 1162 Court St NE                | Salem          | OR    | 97301 |
| Office of the Attorney General         | Michelle A Henry                  | 16th Fl Strawberry Square                 |                                 | Harrisburg     | PA    | 17120 |
| Office of the Attorney General         | Peter F Neronha                   | 150 S Main St                             |                                 | Providence     | RI    | 02903 |
| Office of the Attorney General         | Alan Wilson                       | PO Box 11549                              |                                 | Columbia       | SC    | 29211 |
| Office of the Attorney General         | Marty Jackley                     | 1302 E Hwy 14 Ste 1                       |                                 | Pierre         | SD    | 57501 |
| Office of the Attorney General         | Jonathan Skrmetti                 | PO Box 20207                              |                                 | Nashville      | TN    | 37202 |
| Office of the Attorney General         | Ken Paxton                        | PO Box 12548                              |                                 | Austin         | TX    | 78711 |
| Office of the Attorney General         | Sean D Reyes                      | PO Box 142320                             |                                 | Salt Lake City | UT    | 84114 |
| Office of the Attorney General         | Jason S Miyares                   | 202 N 9th St                              |                                 | Richmond       | VA    | 23219 |
| Office of the Attorney General         | Charity R Clark                   | 109 State St                              |                                 | Montpelier     | VT    | 05609 |
| Office of the Attorney General         | Bob Ferguson                      | 800 5th Ave Ste 2000                      |                                 | Seattle        | WA    | 98104 |
| Office of the Attorney General         | Josh Kaul                         | PO Box 7857                               |                                 | Madison        | WI    | 53707 |
| Office of the Attorney General         | Patrick Morrisey                  | State Capitol Complex Bldg 1 Room E 26    | 1900 Kanawha Blvd E             | Charleston     | WV    | 25305 |
| Office of the Attorney General         | Bridget Hill                      | 109 State Capital                         |                                 | Cheyenne       | WY    | 82002 |
| Department of Legal Affairs            | Fainu'ulei Falefatu Ala'ilima-Utu | American Samoa Gov't Exec Ofc Bldg Utulei | Territory of American Samoa     | Pago Pago      | AS    | 96799 |
| Attorney General Office of Guam        | Douglas Moylan                    | Administrative Division                   | 590 S Marine Corps Dr Ste 901   | Tamuning       | GU    | 96913 |
| Office of the Attorney General         | Edward Manibusan                  | Administration Bldg                       | PO Box 10007                    | Saipan         | MP    | 96950 |
| PR Department of Justice               | Domingo Emanuelli Hernández       | PO Box 9020192                            |                                 | San Juan       | PR    | 00902 |
| Department of Justice                  | Gordon C. Rhea                    | 3438 Kronprindsens Gade Ste 2             | GERS BLDG                       | St Thomas      | VI    | 00802 |

## CAFA Notice Service List

## Email

| Appropriate Official                           | Contact Format   | State |
|--|--|-------|
| Office of the Attorney General for Connecticut | All documents sent to CT AG at their dedicated CAFA email inbox. | CT    |
| Office of the Attorney General for Nevada      | All documents sent to NV AG at their dedicated CAFA email inbox. | NV    |

UPS

| Appropriate Official     | FullName           | Address1                | Address2 | City       | State |
|--------------------------|--------------------|-------------------------|----------|------------|-------|
| US Department of Justice | Merrick B. Garland | 950 Pennsylvania Ave NW |          | Washington | DC    |

# Attachment 2



Class Action Services  
1684 S. Broad Street  
Suite 140  
Lansdale, PA 19446

[www.continentaldlx.com](http://www.continentaldlx.com)

August 1, 2024

**VIA UPS OR USPS PRIORITY MAIL**

**Class Action Fairness Act – Notice to Federal and State Officials**

Dear Federal and State Officials:

Pursuant to the Class Action Fairness Act of 2005 (“CAFA”), codified at 28 U.S.C. § 1715, please find enclosed information from Defendant MeridianLink, Inc. relating to the proposed settlement of a class action lawsuit.

- **Case:** *McAfee, on behalf of herself and all similarly situated individuals v. MeridianLink, Inc.*, Case No. 3:23-cv-439.
- **Court:** United States District Court for the Eastern District of Virginia.
- **Defendant:** MeridianLink, Inc.
- **Documents Enclosed:** In accordance with the requirements of 28 U.S.C. § 1715, please find copies of the following documents associated with this action on the enclosed CD:
  1. **Per 28 U.S.C. § 1715(b)(1) – Complaint and Any Amended Complaints:**
    - Class Action Complaint (filed July 10, 2023); and
    - Amended Class Action Complaint (filed March 26, 2024).
  2. **Per 28 U.S.C. § 1715(b)(2) – Notice of Any Scheduled Judicial Hearing:** The Court has scheduled a preliminary approval hearing on August 1, 2024 at 1:30 p.m. at 701 East Broad Street, Richmond, Virginia 23219, Courtroom 6000. The Court has not scheduled a final approval hearing or any other judicial hearing concerning the settlement agreement at this time.
  3. **Per 28 U.S.C. § 1715(b)(3) – Notification to Class Members:**
    - Internet Notice (*Exhibit 1 to the Memorandum in Support of Plaintiffs’ Unopposed Motion*).
  4. **Per 28 U.S.C. § 1715(b)(4) – Class Action Settlement Agreement:** The following documents are included:
    - Plaintiffs’ Unopposed Motion for Preliminary Approval of Class Action Settlement;
      - Settlement Agreement and Release (*Exhibit 1 to the Plaintiffs’ Unopposed Motion for Preliminary Approval*);

- Proposed Injunctive Relief Order (*Exhibit A to the Settlement Agreement and Release*);
- Proposed Order Preliminarily Approving Settlement and Directing Notice to Class (*Exhibit B to the Settlement Agreement and Release*);
- Proposed Final Approval Order (*Exhibit C to the Settlement Agreement and Release*);
- Memorandum in Support of Plaintiffs' Unopposed Motion for Preliminary Approval of Class Action Settlement;
  - Declaration of Kristi C. Kelly (*Exhibit 2 to the Memorandum in Support of Plaintiffs' Unopposed Motion*);
  - Declaration of E. Michelle Drake (*Exhibit 3 to the Memorandum in Support of Plaintiffs' Unopposed Motion*); and
  - Declaration of Dale W. Pittman (*Exhibit 4 to the Memorandum in Support of Plaintiffs' Unopposed Motion*).

5. **Per 28 U.S.C. § 1715(b)(5) – Any Settlement or Other Agreements:** Other than the named Plaintiffs executing separate agreements releasing their individual claims at a later date, there are no other settlements or other agreements contemporaneously made between class counsel and counsel for the defendants.

6. **Per 28 U.S.C. § 1715(b)(6) – Final Judgment or Notice of Dismissal:** To date, the Court has not issued a final order, judgment or notice of dismissal in the above-referenced action.

7. **Per 28 U.S.C. § 1715(b)(7) – Estimate of Class Members:** The Parties have not identified the individual members of the class and thus it is not feasible to identify the names of the class members who reside in each State. The Parties have no reason to believe that the makeup of the class by State would be considerably different than each State's proportionate share of the general U.S. population.

8. **28 U.S.C. § 1715(b)(8) – Judicial Opinions Related to the Settlement:** To date, the Court has not issued a final order or judgment in the above-referenced action.

If you have questions or concerns about this notice or the enclosed materials, please contact this office.

Sincerely,

CAFA Notice Administrator

Enclosures